

REMARKS

Claims 1-12 were pending in the instant application as of the issuance of the Office Action mailed on January 6, 2006. By the current Amendment to Claims, claims 1-8 and 11-12 have been amended and claims 9 and 10 have been cancelled.

Claims 1-8 and 11-12 have been amended merely to attend to formalities, for example, to attend to grammatical formalities and to correct dependencies. No new matter has been added by the foregoing amendments.

Claims 9 and 10 have been cancelled without prejudice to their inclusion in this or a subsequently filed application.

Applicants respectfully request that the aforementioned amendments be entered. Applicants note that the foregoing amendments have been made in order to expedite examination and in no way should be construed as acquiescence to the validity of the rejections set forth in the Office Action. Following entry of the foregoing amendments, claims 1-8 and 11-12 will remain pending.

Restriction Requirement

Claims 1-12 are subject to a restriction requirement. The Examiner has required restriction, under 35 U.S.C. § 121, between the following inventions in the above-identified application:

Group I: Claims 1-8 and 11-12, drawn to a method of inhibiting activity;

Group II: Claims 9-12, drawn to an assay method.

In response to the Restriction Requirement set forth in the Office Action, Applicants hereby elect, *without traverse*, to prosecute the claims of Group I (Claims 1-8 and 11-12, drawn to a method of inhibiting activity). Applicant's election of the foregoing subject matter is without prejudice to Applicants' rights to pursue non-elected subject matter in other applications.

The Examiner has further required the election of a single species as set forth below:

- a) one of the following: (i) the G1 cdk is cdk4 or (ii) the G1 cdk is not cdk4;
- b) one of the following: (i) the "substance" referred to in claim 1 is a single pure compound or (ii) the "substance" is a mixture of at least two compounds;

- c) should the Applicants elect the species of the substance comprising a mixture of at least two compounds, specifically, how many compounds are present; and
- d) a specific "activity" of the G1 cdk that is to be inhibited.

Accordingly, Applicants hereby elect, for search purposes only, cdk4 as the G1 cdk; a single pure compound as the "substance"; and Rb phosphorylation as the specific G1 cdk "activity" to be inhibited. In this regard, it is Applicants' understanding that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141 *et seq.* Accordingly, upon allowance of the elected species, Applicants request that the search be extended to the remaining species. Applicants' election of the foregoing species is without prejudice to Applicants' rights to pursue non-elected subject matter in this and other applications.

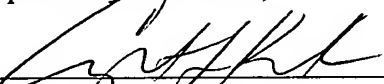
SUMMARY

Applicants respectfully submit that the above-identified application is in condition for allowance. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the present filing to Deposit Account No. 12-0080 under Order No. CCI-007USDV, from which the undersigned is authorized to withdraw.

Dated: March 3, 2006

Respectfully submitted,

By 

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